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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE: SOCIAL MEDIA ADOLESCENT  
ADDICTION/PERSONAL INJURY PRODUCTS  
LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:

*All Actions*

MDL No. 3047

Case Nos.: 4:22-md-03047-YGR-PHK

**META'S NOTICE OF SUPPLEMENTAL  
AUTHORITY ON META'S MOTION FOR  
LEAVE TO FILE SUPPLEMENTAL  
BRIEFING ON FORMER EMPLOYEES'  
OBJECTIONS TO META'S DOCUMENT  
SUBPOENA IN LIEU OF PROPOSED  
ORDER [ECF No. 1815]**

Judge: Hon. Yvonne Gonzalez Rogers  
Magistrate Judge: Hon. Peter H. Kang

**NOTICE OF SUPPLEMENTAL AUTHORITY**

Meta hereby submits this Notice of Supplemental Authority alerting the Court to a filing made by Plaintiffs on April 18, 2025, that provides further support for Meta’s Motion for Leave to File Supplemental Briefing on Former Employees’ Objections to Meta’s Document Subpoena in Lieu of Proposed Order (“Motion”). *See* ECF 1815 (Motion); ECF 1837 (Former Employees’ Opposition). Specifically, on April 18, 2025, Plaintiffs filed “Plaintiffs’ General Causation Expert Designation” in the JCCP, which disclosed Former Employees Arturo Bejar and Vaishnavi Jayakumar as non-retained experts “whose testimony may include information that could be considered ‘expert testimony’” and “who are expected to testify ... consistent with the deposition testimony previously given in this action.” Declaration of Ashley M. Simonsen (“Simonsen Decl.”) Ex. A at 3. This change in circumstances provides further support for overruling the Former Employees’ objections to Meta’s document subpoenas calling for their communications with current and former Meta employees. Indeed, when Meta’s counsel previously explained to the Court that Plaintiffs had tried during these Former Employees’ depositions to lay the foundation to qualify them as experts, further justifying the discovery Meta sought from them, Plaintiffs’ counsel interjected to flatly deny any such effort on Plaintiffs’ part:

Ms. Jayakumar was not noticed as an expert testimony. The argument that she will be somehow is very speculative. There’s no basis for that whatsoever. She gave factual testimony. It was critical of the company.

Simonsen Decl. Ex. B (March 20, 2025 DMC Tr) at 98:20-24, 104:25-105:4.<sup>1</sup> With Plaintiffs having now disclosed Ms. Jayakumar and Mr. Bejar as non-retained experts for Plaintiffs, this argument for resisting the requested discovery on the Former Employees’ behalf is no longer valid, reinforcing the validity of and need for the discovery requested by Meta. Accordingly, Meta respectfully submits that the Court should order supplemental briefing not only on the issues identified in Meta’s Motion, but also on how this change in circumstances affects the justification for the requested underlying discovery.

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<sup>1</sup> The DMC Transcript erroneously identifies Michael Ward, counsel for Mr. Bejar and Ms. Jayakumar, as the speaker during this portion of the transcript. The speaker at the time was counsel for Plaintiffs, Previn Warren, not Mr. Ward. *See* Simonsen Decl. ¶ 3.

DATED: April 22, 2025

Respectfully submitted,

**COVINGTON & BURLING LLP**

/s/ Ashley M. Simonsen

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# **CERTIFICATE OF SERVICE**

I, Denis Listengourt, am a resident of the State of California, over the age of 18 years, and not a party to this action. My business address is 1999 Avenue of the Stars, Los Angeles, California 90067-6035. On March 31, 2025, I caused to be served—pursuant to Northern District of California Civil Local Rules 5-5—the following documents using this Court’s CM/ECF system, which will send notification of such filing to all counsel of record this 22nd day of April 2025:

- **META’S NOTICE OF SUPPLEMENTAL AUTHORITY ON META’S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEFING ON FORMER EMPLOYEES’ OBJECTIONS TO META’S DOCUMENT SUBPOENA IN LIEU OF PROPOSED ORDER [ECF No. 1815]**
- **DECLARATION OF ASHLEY M. SIMONSEN IN SUPPORT OF META’S NOTICE OF SUPPLEMENTAL AUTHORITY ON META’S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEFING ON FORMER EMPLOYEES’ OBJECTIONS TO META’S DOCUMENT SUBPOENA IN LIEU OF PROPOSED ORDER [ECF No. 1815]**

I further caused a copy of the foregoing documents to be served on counsel for non-parties Arturo Bejar and Vaishnavi Jayakumar by electronic mail as follows:

- michael.ward@bakerbotts.com
- chinmayi.manjunath@bakerbotts.com
- karan.dhadialla@bakerbotts.com

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: April 22, 2025

Respectfully submitted,  
/s/ Denis Listengourt  
 Denis Listengourt